

IN THE SUPERIOR COURT OF CLAYTON COUNTY
STATE OF GEORGIA

Dabouze Antoine,
Plaintiff,

v.

City of Forest Park, Georgia, L. Dwayne
Hobbs, Jamie Reynolds, George T. Orr, Jr.,
Chris M. Waltrip, Timothy Pigate and Cory
Cloud, individually,

Defendant.

CIVIL ACTION FILE NO.:
2021CV00053-11

COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL

COMES NOW Plaintiff Dabouze Antoine (“Antoine”) and files this civil action for monetary damages against the City of Forest Park, Georgia, L. Dwayne Hobbs, Jamie Reynolds, George T. Orr, Jr., Chris M. Waltrip, Timothy Pigate and Cory Cloud, as follows:

INTRODUCTION

For at least three years, the City of Forest Park, Georgia, acting through its final policy maker over law enforcement matters, Police Chief L. Dwayne Hobbs, operated an illegal, undercover task force for the sole purpose of monitoring the activities of Dabouze Antoine, prior to and after he was elected to serve on the Forest Park City Council. Antoine was unaware that he was under near constant surveillance until September of 2019, when Forest Park’s new police chief uncovered evidence of the illegal undercover task force. Immediately upon learning of the Defendants intentional, extreme, and outrageous conduct, Antoine experienced intense feelings of humiliation, embarrassment, fright, and extreme outrage as to cause severe emotional distress. Antoine now brings this lawsuit seeking compensatory and punitive damages under Georgia law.

JURISDICTION AND VENUE

1. This Court has subject-matter jurisdiction over this action for money damages arising from injuries proximately caused by the tortious acts of the Defendants acting in concert with one another. GA. CONST. ART. VI § 3 ¶ I.
2. Venue is proper in this Court as the actions that occurred relevant to this complaint occurred within Clayton County and this suit is brought against the Defendants as joint tortfeasors. GA. CONST. ART. VI, § 2, ¶¶ III, IV & VI.

PARTIES

3. Plaintiff Dabouze Antoine is a United States citizen and a resident of Georgia.
4. Defendant Forest Park, Georgia is a Georgia municipality subject to suit.
5. L. Dwayne Hobbs is sued in his individual capacity. Hobbs is subject to the jurisdiction and venue of this Court and may be served with process at 250 Broadmoor Dr, Fayetteville, GA 30215, within Fayette County, Georgia.
6. At all times relevant to this action, Hobbs was acting under color of state law and within the scope of his discretionary functions as a duly sworn, certified law enforcement officer employed by Forest Park, Georgia.
7. Jamie Reynolds is sued in his individual capacity. Reynolds is subject to the jurisdiction and venue of this Court and may be served with process at 29 Cody Trl, #33, Senoia, GA 30276, within Coweta County, Georgia.
8. At all times relevant to this action, Reynolds was acting under color of state law and within the scope of his discretionary functions as a duly sworn, certified law enforcement officer employed by Forest Park, Georgia.

9. George T. Orr, Jr. is sued in his individual capacity. Orr is subject to the jurisdiction and venue of this Court and may be served with process at 1664 Old Highway 85, Senoia, GA 30276, within Coweta County, Georgia.
10. At all times relevant to this action, Orr was acting under color of state law and within the scope of his discretionary functions as a duly sworn, certified law enforcement officer employed by Forest Park, Georgia.
11. Chris M. Waltrip is sued in his individual capacity. Waltrip is subject to the jurisdiction and venue of this Court and may be served with process at 885 Weldon Rd, Forsyth, GA 31029, within Monroe County, Georgia.
12. At all times relevant to this action, Waltrip was acting under color of state law and within the scope of his discretionary functions as a duly sworn, certified law enforcement officer employed by Forest Park, Georgia.
13. Timothy Pigate is sued in his individual capacity. Pigate is subject to the jurisdiction and venue of this Court and may be served with process at 270 Savannah Pl, Douglasville, GA 30134, within Douglas County, Georgia.
14. At all times relevant to this action, Pigate was acting under color of state law and within the scope of his discretionary functions as a duly sworn, certified law enforcement officer employed by Forest Park, Georgia.
15. Cory Cloud is sued in his individual capacity. Cloud is subject to the jurisdiction and venue of this Court and may be served with process at 6559 Timber Pine Dr, Southaven, MS 38671 within Desoto County, Mississippi.

16. At all times relevant to this action, Cloud was acting under color of state law and within the scope of his discretionary functions as a duly sworn, certified law enforcement officer employed by Forest Park, Georgia.

FACTUAL ALLEGATIONS

17. The City of Forest Park, Georgia (“Forest Park” or “the City”) operates under a charter adopted in the 1988 Session of the Georgia General Assembly (H.B. 1811).
18. The City maintains liability insurance covering the acts and omissions of the individual defendants giving rise to Antoine’s claims and has waived sovereign immunity up to the limits of its liability insurance policy based on a theory of respondeat superior.
19. Plaintiff served an Ante Litem notice on the City on January 7, 2020. It was received on January 10, 2020, within six months of accrual of the claims alleged herein against the City.
20. The City Council, comprised of a mayor and 5 councilmembers, is the governing body of the City.
21. The City Council must appoint a City manager or, upon a vacancy, an Acting City manager who serves as the chief administrative officer of the City.
22. The City Charter established a department of police services for the City known as the Forest Park Police Department (“FPPD”).
23. The City Charter provides that the FPPD shall be led by a “director,” commonly referred to as the Chief of Police.

24. The Chief of Police serves at the pleasure of the city manager and the mayor and council.
25. As the chief administrative officer of the City, the City manager had a duty to monitor and supervise the conduct of the Chief of Police.
26. The City council appointed Dwyane Hobbs as Chief of FPPD on April 1, 1996.
27. Hobbs served as Chief of FPPD for 22 years.
28. Chief Hobbs also served as Acting City manager for Forest Park twice.
29. During his tenure, Chief Hobbs was solely responsible for: (a) training, management, and development of the sworn and civilian employees of FPPD; (b) supervising law enforcement activities of FPPD officers; (c) assigning personnel to specific roles and criminal investigations within FPPD; and (d) setting investigative priorities within FPPD.
30. During his lengthy tenure as Chief of FPPD, Hobbs witnessed the demographic transformation of Forest Park that ushered in a new class of Black candidates for public office.
31. Chief Hobbs perceived the transformation of Forest Park into a majority Black community with Black leadership as a threat to his control over the FPPD and his influence over the affairs of Forest Park.
32. Beginning in 2009, Chief Hobbs formed a secret surveillance unit, sometimes referred to as the "Viper team," to investigate and target Black candidates and elected officials (hereinafter "Viper team").
33. Chief Hobbs' intended to use the Viper team to gather information he could use to discredit and undermine Black candidates and elected officials.

34. Defendants Jaimie Reynolds, George T. Orr, Jr, Chris M. Waltrip, Timothy Pigate and Cory Cloud were members of the Viper team and conspired with Chief Hobbs to investigate Black candidates and elected officials in Forest Park, including Akins-Wells.
35. Reynolds, Orr, Waltrip, Pigate and Cloud knew or should have known that the Viper squad was created for an unlawful purpose and involved activities that constituted violations of State and Federal law.
36. Antoine is Black. He immigrated from Haiti and is a United States citizen.
37. Antoine moved to Forest Park in 2011.
38. Antoine works as a paraprofessional at the Ash Street Alternative School.
39. In 2013, Antoine announced that he was going to run for mayor in a special election. He went to city council meetings and other government events.
40. Antoine campaigned to change the culture and leadership at FPPD.
41. During his campaign for mayor, Antoine noticed that FPPD patrol officers would slowly drive by him as he walked to work each morning.
42. Antoine received repeated phone calls from FPPD officers asking him to come down to the police station.
43. A female detective came to his school and asked to see Antoine. She asked to see his passport so that she could confirm he was a United States citizen.
44. Antoine lost the special election for mayor.
45. Undeterred, he qualified to run for a City Council seat.

46. In 2013, Forest Park's City Manager, John Parker, resigned his position and the City Council voted to have Chief Hobbs serve as Acting City Manager, while also keeping his position as Chief of Police.
47. Antoine publicly opposed having Hobbs serve as Acting City Manager.
48. Antoine was elected to serve on the City Council. He took office on January 1, 2014.
49. Antoine has since been reelected twice and currently sits on the Forest Park city council.
50. In mid-2016, the city council again voted to have Chief Hobbs serve as interim City Manager.
51. Antoine publicly opposed and voted against having Hobbs serve as interim City Manager.
52. From 2014-2018, Antoine was an outspoken critic of Chief Hobbs and the FPPD.
53. Antoine accused Chief Hobbs and FPPD of racial profiling of Black persons, particularly for minor drug offenses, and maintaining a quota system.
54. Antoine knew that Black citizens were complaining that they were being profiled and targeted for traffic stops, Terry stops unsupported by reasonable suspicion and other forms of police harassment, because of their race.
55. In part due to Antoine's persistent public criticism, a local newspaper investigated whether FPPD disproportionately arrested Black persons for minor drug offenses.
56. The newspaper published the results of its investigation in 2018. The investigation revealed that more than 80 percent of arrests for misdemeanor possession of marijuana between 2015 and 2018 involved Black persons.
57. Hobbs publicly denied that FPPD engaged in racial profiling.
58. Antoine publicly called for Hobbs' resignation or termination as Chief of Police.

59. As a member of the City Council, Antoine lobbied his colleagues on the Council to terminate Chief Hobbs.
60. In the Fall of 2018, Chief Hobbs was terminated by the City Council. Antoine voted in favor of termination.
61. Unbeknownst to Antoine, Chief Hobbs retaliated against him for his persistent criticism of FPPD by deploying the Viper team to conduct a secret investigation, including ongoing surveillance, into Antoine's personal life and activities.
62. At the time Chief Hobbs deployed the Viper team to investigate Antoine, Chief Hobbs had neither probable cause or even reasonable articulable suspicion to believe that Antoine was involved in criminal activity.
63. When the individual defendants asked Chief Hobbs why they were investigating Antoine, Chief Hobbs would only say that he a confidential source had informed him that Antoine was involved in criminal activity.
64. The Viper team conducted surreptitious surveillance of Antoine from 2013 at least until Chief Hobbs' termination in 2018.
65. Each of the individual defendants served on the Viper team and participated in the illegal investigation and surveillance of Antoine.
66. Upon information and belief, the individual Defendants, acting in concert with one another, routinely engaged in the following activities in furtherance of their unlawful surveillance of Antoine: (a) following him in unmarked vehicles and observing him as he went about his private business; (b) watching and monitoring Antoine when he was involved in wholly private activities inside and within the curtilage of his home, at public activities with

constituents, and other routine activities; (c) monitoring Antoine's online activity on his personal social media accounts; (d) conducting trash pulls and rummaging through his trash; and (e) investigating his involvement in non-profit organizations.

67. In addition to these activities, the individual Defendants mounted cameras outside Antoine's home to record activities outside, within the curtilage of his home and activities inside their homes visible through exterior windows.
68. The individual Defendants had no probable cause, much less a search warrant, to justify placing Antoine's private residence under constant video surveillance.
69. Chief Hobbs and the individual Defendants demonstrated actual malice for Antoine by participating in an illegal surveillance operation, without any probable cause or reasonable suspicion, solely because he was a Black politician who had openly criticized the FPPD.
70. Antoine was unaware of the investigative and surveillance activities because Chief Hobbs and members of the Viper team actively concealed their intentional, extreme and outrageous conduct.
71. Antoine suffered injury and damages – extreme emotional distress – when he discovered that he had been under near constant surveillance by FPPD officers over a period of years.
72. As a direct and proximate cause of the Defendants intentional, extreme and outrageous conduct, the Plaintiffs suffered extreme emotional distress upon learning of the surveillance program entitling them to an award of general damages in an amount to be determined by the enlightened conscience of the jury.
73. The individual Defendants acted maliciously, intentionally, and entitling him to an award of punitive damages in an amount to be determined by the enlightened conscience of a jury.

COUNT I
INVASION OF PRIVACY

74. Paragraphs 1-73 are incorporated herein by reference.
75. The individual Defendants, acting in concert with one another, continuously intruded upon Antoine's seclusion and solitude, and into his private affairs.
76. The individual Defendants acted with actual malice when they engaged in an ongoing illegal surveillance operation unsupported by probable cause or reasonable suspicion.
77. The degree of intrusion upon Antoine's seclusion and solitude, and into his private affairs would be offensive and objectionable to a reasonable person upon discovery of the intentional acts of the individual Defendants.
78. When Antoine learned that he had been under near constant surveillance and subject of a fishing expedition into all aspects of his private life, he suffered injury and damages for severe mental and emotional distress.
79. The City is liable for the negligent acts and omissions of its employees, including each of the individual defendants, under a theory of respondeat superior because it has waived sovereign immunity by the purchase of liability insurance covering these claims.

COUNT II
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

80. Paragraphs 1-79 are incorporated herein by reference.
81. The individual Defendants, acting in concert with one another, engaged in intentional conduct of an extreme and outrageous nature by participating in the unlawful, secret investigation and surveillance of Antoine, unsupported by probable cause or reasonable

suspicion, and solely because he was a Black politician who expressed criticism of the FPPD.

82. The individual Defendants demonstrated with actual malice.
83. Upon learning of the extreme and outrageous conduct of the individual Defendants, Antoine suffered injury in the form of feelings of humiliation, embarrassment, fright and outrage entitling him to an award of damages for severe mental and emotional distress.
84. The City is liable for the acts and omissions of its employees, including each of the individual defendants, under a theory of respondeat superior because it has waived sovereign immunity by the purchase of liability insurance covering these claims.

COUNT III
NEGLIGENT SUPERVISION

85. Paragraphs 1-84 are incorporated herein by reference.
86. Pursuant to the City Charter, the City council had a duty to supervise Chief Hobbs and the operations of the FPPD.
87. Pursuant to the City Charter, the City manager had a duty to supervise Chief Hobbs and the operations of the FPPD.
88. The City council and various City managers failed to exercise reasonable diligence in supervising Chief Hobbs and the operations of the FPPD.
89. Over a period of years, Chief Hobbs routinely pulled FPPD officers, including the individual Defendants, from legitimate law enforcement tasks such as routine patrol and criminal investigations, in order to participate in an illegal investigation and surveillance operation targeting Antoine and other Black politicians.

90. Over a period of years, Chief Hobbs diverted resources and funds, including video cameras capable of storing hours of recordings, computers stored at an offsite location to review video and other recordings, and unmarked patrol cars, in order to conduct an illegal investigation and surveillance operation targeting Antoine and other Black politicians.
91. A reasonably prudent City manager charged with supervision of the head of a police department would have known that Chief Hobbs was engaged in unlawful activities, such as the illegal investigation and surveillance operation targeting Antoine and other Black politicians.
92. As a direct and proximate cause of the City's failure to monitor and supervise Chief Hobbs' operation of the FPPD, Chief Hobbs was able to use the personnel and resources of FPPD to conduct a secret investigation and surveillance of Antoine and other Black politicians over a period of years.
93. Upon learning that he had been the subject of a secret investigation and surveillance operation, Antoine suffered injury in the form of feelings of humiliation, embarrassment, fright and outrage entitling him to an award of damages for severe mental and emotional distress.
94. The City is liable for the acts and omissions of its employees, including each of the individual defendants and other employees and officials not named as defendants here under a theory of respondeat superior because it has waived sovereign immunity by the purchase of liability insurance covering these claims.

COUNT IV]
BREACH OF LEGAL DUTY

95. Paragraphs 1-94 are incorporated herein by reference.
96. The City had an independent duty to ensure that records created during the performance of a public duty and paid for by public funds were maintained in accordance with a retention schedule.
97. The individual Defendants had a legal duty to maintain records of their law enforcement activities.
98. Records of the secret investigation and surveillance of Antoine, including hand-written notes, texts, reports, video and audio recordings were created during the performance of a public duty and paid for by public funds by Forest Park and, therefore, constituted public property and a record of public acts.
99. The individual Defendants, knowing that their investigation into Antoine was illegal and an abuse of their authority as law enforcement officers, intentionally and routinely destroyed hand-written notes, text communications, surveillance video and other material to avoid detection.
100. The legal duty to preservation public records exists for the benefit if all citizens, including Antoine.
101. As a direct and proximate cause of the individual Defendants' intentional destruction of public records, Antoine is unable to fully ascertain the scope of the intrusion upon his private life and affairs, thereby exacerbating the degree of mental anguish, anxiety and fear he has experienced upon learning of the illegal investigation and surveillance program.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Court for the following relief:

- a. Hold a trial by jury on all issues so triable;
- b. Award economic, compensatory, and punitive damages;
- c. Tax all costs of this action against Defendants; and
- d. Award any additional relief that is just and appropriate.

This 4th day of January, 2021.

Respectfully Submitted,

/s/ Roderick E. Edmond
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